

REMARKS

Entry of the foregoing amendments is respectfully requested.

Summary of Amendments

Upon entry of the present Amendment, claims 53, 54 and 57-59 are amended and claims 53, 54 and 57-83 will be pending, with claims 53, 54 and 57-59 being independent claims.

Support for the present amendments can be found throughout the present specification, e.g., at page 13, second paragraph.

Applicants point out that the amendments to claims 53, 54 and 57-59 are without prejudice or disclaimer, and Applicants expressly reserve the right to prosecute the unamended claims in one or more continuation and/or divisional applications. Further, the present amendments should by no means be construed as Applicants' admission that the rejection of the unamended claims is justified. Rather, these claims have been amended merely to expedite the issuance of a patent on the present application.

Summary of Office Action

Initially, Applicants note with appreciation that Applicants' Request for Continued Examination has been entered and that a signed and initialed copy of the Form PTO-1449 submitted in the Supplemental Information Disclosure Statement filed April 26, 2005 has been returned together with the present Office Action.

Claims 53, 54 and 57-83, i.e., all claims of record, are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being obvious over claims 1-9 of U.S. Patent No. 6,656,425 to Benthien et al. (hereafter "BENTHIEN"). A Requirement for Evidence of Common Ownership at the Time of Invention or Designation of Prior Inventor is also made.

Response to Office Action

Applicants respectfully submit that all of the rejected independent claims have been amended by reciting therein that the support is located within, connected to or part of a transport means, a combustion unit, a caravan, a tank, a gas station, a digestion tower of a sewage treatment plant, a composting unit, a manure station, an animal stall, a silo, a waste air unit, a gas mask, or a gas sensor.

In comparison, claims 1-9 of BENTHIEN relate to a "domestic appliance". None of the transport means, combustion unit, caravan, tank, gas station, digestion tower of a sewage treatment plant, composting unit, manure station, animal stall, silo, waste air unit, gas mask, or gas sensor recited in the independent claims submitted herewith can reasonably be considered to be an obvious variant of a "domestic appliance". It is respectfully submitted that for this reason alone, the claims submitted herewith are not obvious over claims 1-9 of BENTHIEN.

Accordingly, for at least the foregoing reason the rejection of claims 53, 54 and 57-83 under the doctrine of obviousness-type patenting is unwarranted, wherefore withdrawal thereof is respectfully requested.

Further, since the present claims are not obvious over claims 1-9 of BENTHIEN, there appears to be no need for the submission of Evidence of Common Ownership at the Time of Invention or a Designation of Prior Inventor.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are in condition for allowance, and an early issuance of the Notices of Allowance and Allowability is earnestly solicited. If any issues yet remain to be resolved, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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